

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims 13-24 were rejected under 35 USC §102(b) as being anticipated by MATSUI 7,301,870. That rejection is respectfully traversed.

Claims 16-19 have been cancelled and independent claims 13, 23 and 24 have been amended by adding the following limitation:

"the recording power of the long mark is determined such that waveform distortion does not occur or the waveform distortion becomes equal to or smaller than a predetermined value, the waveform distortion indicating a ratio of distortion amount of an RF signal generated by reproducing recording marks recorded by the test writing". Support for this amendment may be found, for example, on page 9, lines 30-31 and page 12, lines 11-22 of the present specification.

Based on the thus-amended claims, it is respectfully submitted that MASUI fails to teach or suggest determining the recording power of the long mark in view of the waveform distortion as required in the amended claims and varying the recording power of the short mark during the test writing. Specifically, in the amended claims, the recording power of the long mark is determined such that "waveform distortion does not occur or the waveform distortion becomes equal to or smaller than

a predetermined value". By this, appropriate recording characteristics can be ensured during the test writing.

Since MASUI is silent on determining the recording power of the long mark in view of the waveform distortion during the test writing, the skilled person cannot reach the claimed feature from the MASUI reference, and hence, it is believed that the amended claims are patentable over the reference.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert J. Patch/
Robert J. Patch, Reg. No. 17,355
Customer No. 00466
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

RJP/lk